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3 **STATE OF ALASKA**
4 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**
5 BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND
6 LAND SURVEYORS

7
8 **MINUTES OF THE MEETING**
9 **August 28, 2019**

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11 By authority of AS 08/01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
12 scheduled meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held on
13 Wednesday, August 28, 2019. The teleconference originated from the State Office Building, 9th floor
14 Conference Room C.

15 **1. Call to Order/Roll Call**

16 The meeting was called to order at 2:15p.m.

17 Board members present, constituting a quorum:

18 Jennifer Anderson, PE, Civil Engineer, Environmental Engineer
19 Catherine Fritz, Architect
20 Dave Hale, PS, Surveyor
21 Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer
22 John Kerr, PS, Surveyor
23 Jeff Koonce, Architect (Chair)
24 Colin Maynard, PE, Civil Engineer, Structural Engineer
25 Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer
26 Luanne Urfer, Landscape Architect
27 Fred Wallis, PE, Mining Engineer

28 Attending from the Division of Corporations, Business, and Professional Licensing were:

29 Alyria Jones, Executive Administrator
30 Sara Neal, AELS Licensing Examiner
31 Jun Maiquis, Regulation Specialist*

32 * Attended a portion of the meeting.

33
34 **AELS_8.28.2019_00:27:24**

1 **2. Review and Approve the Agenda**

2
3 **On a Motion duly made by Colin Maynard seconded by John Kerr and approved**
4 **unanimously, it was RESOLVED to approve the agenda as presented.**

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7 **3. Review Comments RE: Proposed Regulation Changes** **AELS_8.28.2019_00:34:28**

8
9 The Chair asked Jones to read the comments related to the Proposed Regulation Changes. A. Jones stated
10 that three comments were received including:

11 Submitted by Julie H on July 24, 2019:

12 *Comments:*

13 *I agree with the intent of these changes. If somebody misses the renewal deadline, a late renewal*
14 *fee is reasonable. Providing an option for a Continuing Education extension - with fee - is a fair*
15 *way to allow people to get caught up.*

16 *Question:*

17 *A couple years ago I missed the renewal deadline. I moved that year, forgot to change my*
18 *address with the board, did not receive the renewal reminder, and it escaped my notice. In that*
19 *situation, I still would have agreed that a late renewal fee is fair. The problem I had was that the*
20 *online renewal website was shut down on January 1. I had to renew by mail. The delay this*
21 *caused - and my inability to practice during this time - caused a bigger problem than a late fee*
22 *would have. I remember thinking that a fee would have been much kinder.*

23 *So, my question is, now that you'll be charging a fee for late renewals, will the website remain*
24 *open to process the late renewals after Dec. 31?*

25
26
27 Jones explained that there will be an option with the upcoming renewal to be able to allow registrants to
28 submit renewals online after the 12/31/2019 expiration date. Jones provided the following response to
29 Julie H on July 26, 2019:

30
31 *Thank you for your comments and I appreciate your feedback regarding the online renewal. With*
32 *the upcoming renewal period, we do intend to keep a version of the online renewal option*
33 *available to minimize delays.*

34
35 Jones read the following comment submitted by Connor Dunham on July 26, 2019:

36 *Hello,*

37 *I am writing in regards to the Alaska State Board of Registration for Architects, Engineers, and*
38 *Land Surveyors (AELS) proposed update to regulations regarding late renewal and continuing*
39 *education extension period fees, and time extension for continuing education requirements. My*
40 *comment is:*

41
42 *I oppose any fees. If you all feel an immediate 50% fee for being late is fair, upon further*
43 *examination you will learn that it is not. Rather than just saying I'm opposed, I'd like to offer a*

1 fair alternative. The California OMV poses the following fees for registration renewal of vehicles
2 shown below. I would rather see a stepped structure where there is more of a cushion.
3

If payment is late:	The penalty will be the sum of:	Registration Late Fee
1-10 days	10% of the vehicle license fee due for that year	\$10.00
11-30 days	20% of the vehicle license fee due for that year	\$15.00
31 days-1 year	60% of the vehicle license fee due for that year	\$30.00
More than 1 year-2 years	80% of the vehicle license fee due for that year	\$50.00
More than 2 years	160% of the vehicle license fee due for that year	\$100.00

4 Koonce stated that the board had discussed one amount. Maynard clarified that there were two separate
5 fees – one was a \$50 fee for anyone renewing after the deadline and that the other \$50 fee was for a 30-
6 day extension to get their continuing education in line. Koonce agreed and added that he did not feel that
7 the table related to what the board was proposing. Maynard responded that it does apply to the late fee but
8 indicated that a flat fee would be easier to manage and did not feel a stepped structure was appropriate.
9 Wallis agreed and encouraged the board to keep it as simple as possible.
10

11 Jones read the following comment submitted by Steve Cain on August 1, 2019:
12

13 *Rather than have the extension and the late renewal have the same dollar amount on top of the
14 renewal fee, I suggest having the extension fee be a lesser amount than the late penalty to offer an
15 advantage to those attempting to comply over those caught in noncompliance.*

16 Maynard said he believed the comment was related to the continuing education fee, but added that the \$50
17 fee is one tenth of the cost of getting caught for signing that you completed your credits when you have
18 not and felt that was enough of an advantage. Koonce suggested leaving it as proposed.
19

20
21 **On a Motion duly made by Colin Maynard seconded by John Kerr, and approved
22 unanimously, it was RESOLVED to approve the proposed regulation changes as public noticed.**
23

24 **4. Continuing Education Audit**

AELS_8.28.2019_00:40:45

25 The Chair directed the board to review the draft letter related to the continuing education audit letter. The
26 Chair recalled that Johnston had shared some thoughts on this at the board's meeting held on August 1-2,
27 2019 and asked if this met the intent of her thoughts. Johnston requested that it be read aloud. Jones stated
28 that she may not have captured Johnston's comments and welcomed any edits to the draft. Jones then read

1 the draft letter to the board. Johnston expressed her concern that the language did not specifically explain
2 that the registrant's submission had not been reviewed by the board. Johnston suggested including a
3 statement regarding due to unavailability of the board or shortness of board resources your submission
4 was not reviewed during this time, but that there is no action required on their part. Maynard stated that
5 he had the same concern as Johnston. Fritz suggested modifying the language to clarify that they provided
6 information the 2016-2017 licensing period but that they have not necessarily complied. Johnston asked
7 the other board members how they wished to frame the response. The Chair suggested using the term
8 waived. Several board members agreed.

9

10 Fritz asked if the board wished to include a statement about clarifying the continuing education
11 requirements in the response. Johnston indicated that they could work quite well. Fritz asked if the board
12 had the ability to waive the audit. Jones responded that she had discussed this with the Deputy Director
13 Sharon Walsh and mentioned it to the Division Director and they were amendable to this solution to the
14 outstanding audits.

15

16 Fritz suggested explaining that it was suspended. Kerr and other board members expressed their concern
17 with using the term suspended as it would imply there would be future action required by the registrant.
18 Maynard said the fact of the matter that it has taken over a year and a half and it is still not completed, so
19 we are going to waive it. Maynard said the board had allowed staff to do it before, but that doesn't seem
20 like that's going to work, so the board needs to take it back over. Maynard stated that they weren't doing
21 a complete reevaluation of the whole system. He also added that if he received a letter, he would want to
22 know what we are doing and why we are doing it.

23

24 Johnston said she believed the board did have a goal of clarifying what appropriate continuing education
25 is and what documentation we are going to require. Maynard responded but that is not why we are
26 waiving this. Johnston agreed.

27

28 Kerr stated that he believed the root cause was staffing changes. Kerr recommended stating that due to
29 staffing changes. Johnston recommended saying due to the impending 2020-2021 renewal cycle all
30 outstanding audits are waived. The board agreed.

31

32 Jones will provide an updated draft of the letter to Johnston for review and additional edits.

33

34 **5. Follow up Application Review**

AELS_8.28.2019_00:50:32

35 The board reviewed discussed ten applications for registration. All the applications had been reviewed at
36 previous meetings, however the board had requested clarification and agreed to review any additional
37 information that had been submitted at this teleconference, since several of the applications were for
38 engineers by exam applying to sit for the October 2019 PE exams.

39

40 Jones presented each application and provided a summary of the situation and what additional
41 information had been submitted. The board reviewed the additional information and discussed the need
42 for clarification to be provided from the verifiers rather than the applicant.

43

1 Based upon the board's requests for additional clarification. Jones proposed updating the work experience
2 verification forms to provide more room for verifiers to explain the applicant's job duties and proposed
3 updating the format to require additional clarification for time designated as responsible charge. Mott
4 commented that the board spends a lot of time going back and forth with the work experience and was in
5 favor of updating the forms.

6
7 The board also discussed an application with a credentials evaluation the indicated it was "regionally
8 equivalent". Jones also shared information she had received from NCEES staff regarding credentialing.
9 The board asked Jones to obtain additional information from agencies to confirm which agencies provide
10 evaluations that indicate ABET equivalency. Johnston requested that the topic of credentials evaluations
11 be placed on the November agenda. Several members agreed.

12
13 Task: Jones will reach out to all agencies listed on the Board Approved Foreign Credentialing Services to
14 confirm what level of credentialing each agency is able to provide and compile a report for the November
15 2019 meeting for the board to review.

16
17 The board reviewed a letter of appeal from a structural engineer by comity. The letter and supporting
18 documentation was submitted to the Department of Law and comments from Assistant Attorney General
19 (AAG) Joan Wilson were also presented to the board for consideration. The board maintained its
20 determination that the application was conditionally approved. The Chair recommended the board
21 consider AAG Wilson's recommendation to update 12 AAC 36.105(a)(1) to reference (h). Maynard
22 suggested it be incorporated into the major regulation review and updated that was planned for the
23 November meeting. Several members agreed.

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25 **AELS_8.28.2019_1:40:58**

26 The Chair asked about the fee analysis document included in the agenda. Jones explained that the
27 Division's Administrative Officer Melissa Dumas and updated the fee analysis that the board reviewed at
28 the May 2019 meeting with information Jones had provided regarding late renewals to show the potential
29 effect of the late renewal fee.

30
31 Mott suggested reading the applications into the record before moving on to another topic.

32
33 **AELS_8.28.2019_01:42:20**

34 **On a motion duly made by Colin Maynard seconded by Jeffrey Koonce, and passed**
35 **unanimously, it was resolved to CONDITIONALLY APPROVE the following list of applicants for**
36 **registration by comity and examination with the stipulation that the information in the applicants'**
37 **files will take precedence over the information in the minutes.**

- 38 • Devon Kirby
39 • Gunner Hodgson
40 • Henry Cole
41 • Matthew Gray
42 • Nicholas Janssen

1 The board returned to reviewing the fee analysis. Jones explained to date there are 1,070 individuals and
2 142 firms that renewed after 1/1/2018 and the spreadsheet illustrates an example of the amount this would
3 generate from late fees. Jones stated that they anticipate this change may potentially delay the board's
4 need to raise fees during the 2022-2023 licensing period.

5 The Chair read the following statement from the Order Certifying the Changes to Regulations of the State
6 Board or Registration for Architects, Engineers, and Land Surveyors:

8 *On the record, in considering public comments, the State Board of Registration for Architects,*
9 *Engineers, and Land Surveyors paid special attention to the cost to private persons of the*
10 *regulatory action being taken.*

12 The Chair asked if there was anything further to discuss.

AELS_8.28.2019_1:48:40

15 Fritz asked for clarification regarding the response letter for continuing education audit and those that
16 clearly did not meet the minimum continuing education requirements. Kerr asked if the requirement was
17 waived or the audit was waived. The board discussed and requested that staff conduct a cursory review of
18 all outstanding audit submissions to confirm a minimum of twenty-four professional development hours.

20 On a Motion duly made by Elizabeth Johnston, seconded by John Kerr, and approved
21 unanimously, it was RESOLVED to send a response letter to all registrants with outstanding
22 audits, following finalization of the draft letter by Elizabeth Johnston and Catherine Fritz.

24 Jones offered to do a final pass of all outstanding continuing education audits to confirm a minimum of
25 twenty-four professional development hours were completed in the 2016 – 2017 licensing period. The
26 Board confirmed procedures for those that did not comply, but indicated compliance on their renewal
27 application.

29 Johnston amended her original motion:

31 **On a Motion duly made by Elizabeth Johnston, seconded by John Kerr, and approved**
32 **unanimously, it was RESOLVED to send a response letter to all registrants with outstanding**
33 **audits, who complied with the required amount of professional development hours, following**
34 **finalization of the draft letter by Elizabeth Johnston and Catherine Fritz.**

36 The Chair thanked everyone for taking time out of their busy days to get through these items.

1 **6. Meeting Adjourns**

2 The meeting adjourned at 3:48p.m.

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Respectfully submitted:

 11/7/19
Alycia D. Jones, Executive Administrator

Approved:

 11.7.2019
Jeffrey P. Koncze, Chair
Alaska Board of Registration for Architects,
Engineers, and Land Surveyors